

Davor Rukavina, Esq.
 Texas Bar No. 24030781
 MUNSCH HARDT KOPF & HARR, P.C.
 500 N. Akard Street, Suite 3800
 Dallas, Texas 75202-2790
 Telephone: (214) 855-7500
 Facsimile: (214) 978-4375

ATTORNEYS FOR THE DEFENDANTS

Joseph F. Postnikoff
 State Bar No. 16168320
 Email: jpostnikoff@romclaw.com
 ROCHELLE MCCULLOUGH, LLP
 300 Throckmorton Street, Suite 520
 Fort Worth, Texas 76102
 Telephone: 817.347.5261
 Facsimile: 817.347.5269
<http://www.romclaw.com>

COUNSEL FOR SHAWN K. BROWN, CHAPTER 7
 TRUSTEE AND PLAINTIFF HEREIN

IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 FORTH WORTH DIVISION

In re	§	
	§	
DUAL D HEALTH CARE OPERATIONS,	§	
INC. d/b/a KEMP CARE CENTER, LLC,	§	Case No. 17-41320-elm-7
	§	
Debtor.	§	
<hr/>		
SHAWN K. BROWN, TRUSTEE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adv. No. 20-04059-elm
	§	
LLOYD DOUGLAS, <i>ET. AL.</i> ,	§	
	§	
Defendants.	§	

JOINT MOTION TO AMEND SCHEDULING ORDER AND FOR SPECIAL SETTING

TO THE HONORABLE EDWARD L. MORRIS, U.S. BANKRUPTCY JUDGE:

COME NOW Shawn K. Brown, Trustee (the “Trustee”), the plaintiff in this Adversary Proceeding, and Lloyd Douglas, Lloyd Douglas Enterprises, L.C., Brownwood Care Center I, Ltd., D-5 Development, LLC, Sunflower Park Holdings, LP, Whispering Pines Healthcare, L.C., Mt. Pleasant Operators, LLC, Specialty Select Care Center, LLC, Graham Investors Group, LLC, Kemp Investor Holdings, LLC, Kerens Care Center, Inc., and River City Life Care, Inc.

(collectively, the “Defendants,” together with the Trustee, each a “Party” and collectively the “Parties”),¹ the defendants in this Adversary Proceeding, representing all of the parties to this Adversary Proceeding, and file this their *Joint Motion to Amend Scheduling Order and for Special Setting* (the “Motion”), respectfully stating as follows:

1. Trial of this Adversary Proceeding is set for February 12, 2024, together with the related adversary proceeding (number 20-04060) of *Brown v. Douglas et. al.* in the related main case of Specialty Select Care Center of San Antonio, LLC. Due to scheduling conflicts outside of the Parties’ control involving the holidays and their expert witnesses and Mr. Douglas, the Parties will not be ready for trial on that date.

2. The Parties have diligently prepared this Adversary Proceeding for trial. Among other things: (i) fact discovery has closed; (ii) experts have submitted their reports; and (iii) the Parties mediated, unsuccessfully. What remains is to complete expert discovery (as well as depositions of Lloyd Douglas, Craig Kelly, and Marc Lussier), which involves rebuttal reports and then several depositions, which involves rebuttal reports and then several depositions.

3. The Parties have agreed that expert rebuttal reports must be exchanged on or before January 26, 2024. From this date, the remaining depositions described in paragraph 2 above have been tentatively agreed-to for the week of February 19, 2024.

4. The Parties have conferred with the Courtroom Deputy and understand that the Court has the following days available for trial, which would work for the Parties and their

¹ Various of the Defendants have been dissolved, terminated, or cancelled, as stated below. They appear herein in a limited matter and to a limited extent under protest, and only to the extent that they have any existence left for the purpose of defending against claims. In no way are they reconstituting themselves or waiving any issue or right by defending the Complaint. They reserve all rights regarding the same. Plaintiff, by joining in the filing of this Joint Motion, states that he does not necessarily agree with Defendants’ statement in this footnote and will not be bound thereby or from taking a contrary position to what the Defendants have stated in the first three sentences of this footnote, in this litigation.

anticipated witnesses and experts: March 21 and 22, 2024.

5. This Motion is not filed for purposes of delay or for litigation advantage, but solely that justice may be done.

6. Concurrently herewith, the Parties are filing and uploading a proposed agreed scheduling order, which would result in a continuance of the trial and in various discovery and pretrial deadlines being extended to close expert discovery.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court grant this Motion by entering the proposed *Fifth Amended Agreed Scheduling Order* filed and uploaded concurrently herewith.

RESPECTFULLY SUBMITTED this 24th day of January, 2024.

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Davor Rukavina
Davor Rukavina, Esq.
Texas Bar No. 24030781
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
Telephone: (214) 855-7500
Facsimile: (214) 978-4375
drukavina@munsch.com

ATTORNEYS FOR THE DEFENDANTS

-- and --

ROCHELLE McCULLOUGH, LLP

By: /s/ Joseph F. Postnikoff
Joseph F. Postnikoff
State Bar No. 16168320
300 Throckmorton Street, Suite 520
Fort Worth, Texas 76102
Telephone: 817.347.5261
Facsimile: 817.347.5269

**COUNSEL FOR SHAWN K. BROWN,
CHAPTER 7 TRUSTEE AND PLAINTIFF**

-and-

PASSMAN & JONES

Jerry C. Alexander
State Bar No. 00993500
1201 Elm Street, Suite 2500
Dallas, Texas 75270-2599
Telephone: 214.742.2121
Facsimile: 214.748.7949
alexanderj@passmanjones.com

**SPECIAL COUNSEL FOR SHAWN K.
BROWN, CHAPTER 7 TRUSTEE AND
PLAINTIFF**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this the 24th day of January, 2024, true and correct copies of this motion and the proposed order thereon were electronically served by the Court's ECF system on all parties to this Adversary Proceeding through their counsel of record.

By: /s/ Davor Rukavina
Davor Rukavina, Esq.